

Application No. 10/031,399
Docket No. CL-9622
(KUS.002)

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APPLICANT INITIATED INTERVIEW REQUEST

Applicant's representative respectfully requests a personal interview with Examiner Tianjie Chen, Art Unit 2652, in the above mentioned application in accordance with M.P.E.P. § 713.01(III), to discuss the Remarks set forth below, at the Examiner's earliest convenience.

Examiner Chen kindly is requested to contact the undersigned attorney at the local telephone number listed below (or at Applicant's representative's direct number at 703-761-7623) to arrange for the personal (or telephonic) interview at the Examiner's earliest convenience.

REMARKS

Entry of this Request for Reconsideration is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

Claims 4-7, 10-17, 20, 23-26, 28, 34, 38, and 39 are all the claims presently pending in the application.

Applicant gratefully acknowledges that **claims 4, 5, 7, 10-17, and 20 are allowed** and that **claim 26** would be allowable if rewritten in independent form.

No claim amendments have been made.

Claims 6, 23-25, 28, 34, 38, and 39 stand rejected on prior art grounds under 35 U.S.C. § 102(e) as being anticipated by newly cited Takamatsu, et al. (U.S. Patent No. 6,493,308; hereinafter "Takamatsu").

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This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a novel and unobvious disc player.

In an exemplary aspect of the claimed invention, the disc player includes a positioning unit that is capable of positioning the disc, not only in the vertical direction, but also in the lateral direction with respect to the drive unit (i.e., direction parallel to the drive unit), such that the disc can be clamped to the turntable by the clamper unit and rotated by the drive unit.

Further, according to the exemplary aspects of the claimed invention, since the positioning unit and the clamper unit are provided separately from each other and movable substantially vertically to the drive unit, the claimed invention can maintain a thin structure for the disc player (e.g., see specification at page 3, lines 13-20).

Moreover, the positioning unit of the disc player according to the exemplary aspects of the claimed invention can accommodate discs having the same diameter, or discs of a plurality of different diameters. That is, the positioning unit of the disc player according to the claimed invention can be adapted to a disc player that accommodates, for example, only 8 cm diameter discs, only 12 cm diameter discs, or both 8 cm and 12 cm diameter discs. Thus, the claimed invention is applicable to a disc player adapted to different kinds of discs different in diameter and/or to a disc player adapted to the same kind of discs having the same diameter.

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II. THE PRIOR ART REJECTION

Claims 6, 23-25, 28, 34, 38, and 39 stand rejected on prior art grounds under 35 U.S.C. § 102(e) as being anticipated by newly cited Takamatsu.

The Examiner continues to allege that Takamatsu discloses all of the features of the claimed invention.

Particularly, in the "Response to Arguments", the Examiner alleges that the positioning unit is disclosed by Takamatsu at column 18, lines 1-3, which allegedly has the function of positioning disks. The Examiner also states that "[a]s the disk can be played in the device, the disk is inherently centered" (see Office Acton at page 6, numbered paragraph 5).

However, Applicant respectfully disagrees with the Examiner's position, for at least the following reasons. Therefore, Applicant traverses this rejection.

First, as set forth in a myriad of Federal Circuit decisions, to anticipate a claim the reference must teach or suggest each and every element of the claims, in as complete detail as recited in the claims and with the same arrangement as recited in the claims.

In this case, the Examiner merely argues that Takamatsu discloses a positioning unit (i.e., the plural disc trays 3) at column 18, lines 1-3, which allegedly has the function of positioning discs. The Examiner further states that "[a]s the disk can be played in the device, the disk is inherently centered" (see Office Acton at page 6, numbered paragraph 5).

However, Applicant respectfully submits that it is not enough merely to disclose some positioning unit that positions discs, or that the discs are inherently centered since they can be played. Instead, to anticipate a claim, the reference must disclose or suggest

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each and every element of the claimed invention and in as complete detail as recited in the claims.

Second, Applicant respectfully notes that the Examiner has not addressed or responded to each of the specific traversal positions, as set forth in the Amendment under 37 C.F.R. § 1.111 filed on August 2, 2005, in which Applicant specifically pointed out the distinct differences between the elements of Takamatsu and the elements (and arrangement thereof) of the claimed invention.

Where Applicant traverses any rejections, the Examiner should, if he repeats the rejection, take note of Applicant's argument and answer the substance of it (see M.P.E.P. § 707.07(f)).

Applicant incorporates herein by reference, all of the traversal positions set forth in the Amendment under 37 C.F.R. § 1.111 filed on August 2, 2005, for the Examiner's convenience.

Third, turning to the language of the claims, Takamatsu clearly does not disclose or suggest each and every element of the claimed invention, in as complete detail as recited therein, and with the same claimed arrangement. Thus, Takamatsu clearly does not anticipate the claimed invention.

A. Independent Claim 6:

For example, independent claim 6 recites, *inter alia*, a disc player including:

*a positioning unit for positioning a disc;
a clamber unit for performing a clamp operation on the disc positioned by said positioning unit; and
a drive unit that includes a pickup and a turntable, and rotates the disc clamped on the turntable by said clamp unit to take out information from the disc by said pickup,
wherein said positioning unit and said clamber unit are provided separately from each other and are movable substantially vertically to said drive unit, and*

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wherein said positioning unit is designed to position plural kinds of discs including different sizes (emphasis added).

Thus, according to the claimed invention, the “positioning unit for positioning a disc” is “movable substantially vertically to said drive unit”.

In comparison, Takamatsu discloses that “*the recording and/or reproducing unit inclusive of the upper chassis 101 can be uplifted and lowered across the plural disc tray 3 stacked in the tray housing section 4*” (see Takamatsu at column 18, lines 1-4).

Thus, the disc tray 3 (which the Examiner compares to the claimed “*positioning unit*”) is not “movable substantially vertically to said drive unit” as recited in claim 6.

Instead, the upper chassis 101 (not the plural disc tray 3) can be uplifted and lowered across the stationary plural disc tray 3.

In other words, in stark contrast to the claimed invention, in Takamatsu, the positioning unit (i.e., the plural disc tray 3) is stationary with respect to the vertical position (i.e., the plural disc tray 3 cannot move vertically) and the upper chassis 101 is moveable vertically (i.e. uplifted and lowered) across the plural disk trays 3.

Thus, Takamatsu clearly discloses a different device, which includes different elements and a different arrangement of such elements.

In fact, Takamatsu, which discloses a ten (10) disc CD changer in which a tray housing section 4 includes ten disc trays 3 (e.g., see Takamatsu at column 5, line 62 to column 6, line 2; see also Figure 2), operates in a completely different manner than the claimed invention. Moreover, Takamatsu clearly does not include the same or equivalent elements, as defined by independent claim 6.

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Specifically, as clearly shown in Figure 4 of Takamatsu, the tray housing section 4 includes supporting pieces 43 for supporting each disc tray 3, such that the disc tray 3 cannot move vertically (e.g., see Takamatsu at column 8, lines 44-57).

Indeed, Takamatsu states that *“the disc tray 3 is not changed in its position from (sic) the state shown in FIG. 17 to that shown in FIG. 18. In the state shown in FIG. 18, the recording and/or reproducing unit inclusive of the upper chassis 101 can be uplifted and lowered across plural disc trays 3 stacked in the tray housing section 4”* (see Takamatsu at column 17, lines 66-67 and column 18, lines 1-4; emphasis added).

That is, the recording and/or reproducing unit (not the disc tray 3) is uplifted and lowered across the stationary plural disc tray 3.

Thus, the disc tray 3 (which the Examiner compares to the claimed *“positioning unit”*) is not *“movable substantially vertically to said drive unit”*, as recited in claim 6.

For the foregoing reasons, Takamatsu clearly does not disclose or suggest all of the features of independent claim 6, including at least that the *“positioning unit and said clamper unit are provided separately from each other and are movable substantially vertically to said drive unit”* as recited in claim 6.

Again, Applicant reiterates that Takamatsu clearly discloses that the recording and/or reproducing unit is movable across the disc tray 3. Thus, the disc tray 3 clearly does not (and cannot) move vertically.

Indeed, as shown in Figure 4 of Takamatsu, the tray housing section 4 includes supporting pieces 43 for supporting each disc tray 3, such that the disc tray 3 cannot move vertically (e.g., see Takamatsu at column 8, lines 44-57).

Takamatsu discloses that the disc recording and/or reproducing unit is uplifted or lowered to a position facing the selected one of plural disc trays 3 stacked in the tray

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housing section 4. Takamatsu further discloses that the disc recording and/or reproducing apparatus 50 pulls out (e.g., laterally, not vertically) the selected disc tray 3 towards the recording and/or reproducing unit (e.g., see Takamatsu at column 12, lines 64-67 and column 13, lines 1-7).

Thus, Takamatsu clearly does not disclose or suggest all of the features of independent claim 6. Therefore, Takamatsu does not anticipate claim 6 and the Examiner is requested to reconsider and withdraw these rejections, or alternatively, properly respond to Applicant's traversal positions.

B. Independent Claim 23:

On the other hand, independent claim 23 recites, *inter alia*, a disc player including:

*a positioning unit for positioning a disc;
a clasper unit for performing a clamp operation on the
disc positioned by said positioning unit; and
a drive unit that includes a pickup and a turntable, and
rotates the disc clamped on the turntable by said clasper unit to
take out information from the disc by said pickup,
wherein said positioning unit and said clasper unit are
provided separately from each other and are movable
substantially vertically to said drive unit,
wherein said positioning unit positions said disc in a
direction parallel to said drive unit, and
wherein said disc comprises one of a plurality of discs
comprising different diameters* (emphasis added).

Similarly, Takamatsu clearly does not disclose or suggest all of the features of independent claim 23, including at least that the "positioning unit and said clasper unit are provided separately from each other and are movable substantially vertically to said drive unit" as recited in claim 23.

Thus, Takamatsu clearly does not anticipate, or for that matter render obvious, the claimed invention defined by independent claim 23. The Examiner is requested to

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reconsider and withdraw these rejections, or alternatively, properly respond to Applicant's traversal positions.

C. Claim 24:

Claim 24 recites, *inter alia*, that the “*positioning unit positions one of said plurality of discs in a direction parallel to said drive unit based on a diameter of said one of said plurality of discs*” (emphasis added).

The Examiner alleges that Takamatsu discloses this feature of the claimed invention. However, Applicant respectfully reiterates that the Examiner does not cite any support for this position, but instead, merely duplicates the claim language.

Applicant respectfully submits that claim 24 is patentable over Takamatsu by virtue of its dependency from claim 23, as well as for the additional features recited therein.

For example, Takamatsu clearly does not disclose or suggest the novel and unobvious combination of features in which the “*positioning unit positions one of said plurality of discs in a direction parallel to said drive unit based on a diameter of said one of said plurality of discs*” and in which the “*positioning unit and said clamper unit are provided separately from each other and are movable substantially vertically to said drive unit*” as recited in claim 23.

Thus, Takamatsu clearly does not anticipate, or for that matter render obvious, the claimed invention defined by dependent claim 24. The Examiner is requested to reconsider and withdraw these rejections, or alternatively, properly respond to Applicant's traversal positions.

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D. Claim 25:

Claim 25 recites, *inter alia*, that the “*positioning unit is operable to position said plurality of discs in a direction parallel to said drive unit based on said different diameters of said plurality of discs*” (emphasis added).

The Examiner alleges that Takamatsu discloses this feature of the claimed invention. However, Applicant respectfully reiterates that the Examiner does not cite any support for this position, but instead, merely duplicates the claim language.

Applicant respectfully submits that claim 25 is patentable over Takamatsu by virtue of its dependency from claim 23, as well as for the additional features recited therein.

For example, Takamatsu clearly does not disclose or suggest the novel and unobvious combination of features in which the “*positioning unit is operable to position said plurality of discs in a direction parallel to said drive unit based on said different diameters of said plurality of discs*” and in which the “*positioning unit and said clamper unit are provided separately from each other and are movable substantially vertically to said drive unit*” as recited in claim 25.

Thus, Takamatsu clearly does not anticipate, or for that matter render obvious, the claimed invention defined by dependent claim 25. The Examiner is requested to reconsider and withdraw these rejections, or alternatively, properly respond to Applicant’s traversal positions.

E. Claim 28:

Independent claim 28 recites, *inter alia*, a disc player including:

a positioning unit for positioning a disc;

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*a clamper unit for performing a clamp operation on the disc positioned by said positioning unit; and
a drive unit that includes a pickup and a turntable, and rotates the disc clamped on the turntable by said clamp unit to take out information from the disc by said pickup,
wherein said positioning unit and said clamper unit are provided separately from each other and are movable substantially vertically to said drive unit,
wherein said positioning unit positions said disc in a direction parallel to said drive unit,
wherein said disc comprises one of a plurality of discs comprising different diameters, and
wherein said positioning unit positions one of said plurality of discs in a direction parallel to said drive unit based on a diameter of said one of said plurality of discs such that said one of said plurality of discs is aligned with said drive unit for rotating by said drive unit (emphasis added).*

The Examiner alleges that Takamatsu discloses all of the features recited in independent claim 28. However, Applicant respectfully reiterates that the Examiner does not cite any support for this position, but instead, merely duplicates the claim language of claim 28.

As mentioned above, column 18, lines 1-3 of Takamatsu does not disclose or suggest that the positioning unit (i.e., the disc tray 3) is movable substantially vertically (i.e., uplifted and lowered).

Instead, the cited portion of Takamatsu clearly states that “the disc tray 3 is not changed in its position from (sic) the state shown in FIG. 17 to that shown in FIG. 18. In the state shown in FIG. 18, the recording and/or reproducing unit inclusive of the upper chassis 101 can be uplifted and lowered across plural disc trays 3 stacked in the tray housing section 4” (see Takamatsu at column 17, lines 66-67 and column 18, lines 1-4; emphasis added).

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That is, the recording and/or reproducing unit is uplifted and lowered across the stationary plural disc tray 3.

Thus, the disc tray 3 (which the Examiner compares to the claimed “*positioning unit*”) is not “*movable substantially vertically to said drive unit*” as recited in claim 28.

Takamatsu clearly does not disclose or suggest all of the features of independent claim 28, including at least that the “*positioning unit and said clasper unit are provided separately from each other and are movable substantially vertically to said drive unit*” as recited in claim 28.

Thus, Takamatsu clearly does not anticipate, or for that matter render obvious, the claimed invention defined by independent claim 28. The Examiner is requested to reconsider and withdraw these rejections, or alternatively, properly respond to Applicant’s traversal positions.

F. Claim 34:

Independent claim 34 recites, *inter alia*, a disc player including:

means for positioning a disc in a lateral direction for rotating by a drive unit and to take out information from the disc by a pickup of said drive unit; and
means for performing a vertical clamping operation on the disc after said disc is laterally positioned for rotating said disc on a turntable of said drive unit,
wherein said means for positioning and said means for clamping are provided separately from each other and movable substantially vertically to said drive unit,
wherein said disc comprises one of a plurality of discs including different diameters, and
wherein said means for positioning comprises means for positioning in a lateral direction said one of said plurality of discs including different diameters for rotating by said drive unit (emphasis added).

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The Examiner alleges that Takamatsu discloses all of the features recited in independent claim 34. However, Applicant respectfully reiterates that the Examiner does not cite any support for this position, but instead, merely duplicates the claim language.

Contrary to the Examiner's position, Applicant respectfully submits that Takamatsu clearly does not disclose or suggest any structure, or reasonable equivalents thereof, or identity of function necessary for the claimed "means for positioning".

Indeed, the Examiner has not identified or provided any support for *how* or *where* Takamatsu discloses or suggests the specific arrangement of elements disclosed in the specification and drawings of the present application.

Thus, Applicant respectfully submits that Takamatsu clearly does not disclose or suggest any structure, or reasonable equivalents thereof, or identity of function necessary for the claimed "*means for positioning*", as recited in independent claim 34.

Takamatsu clearly does not disclose or suggest all of the features of independent claim 34, including at least that the "*means for positioning*" as recited in claim 34 and disclosed by the present application.

Thus, Takamatsu clearly does not anticipate, or for that matter render obvious, the claimed invention defined by independent claim 34. The Examiner is requested to reconsider and withdraw these rejections, or alternatively, properly respond to Applicant's traversal positions.

G. Claims 38 and 39:

First, the Examiner alleges that Takamatsu discloses all of the features recited in claims 38 and 39. However, the Examiner does not cite any support for this position, but instead, merely duplicates the claim language of claims 38 and 39. Indeed, the Examiner

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has not responded to the arguments with respect to claims 38 and 39, as set forth in the Amendment under 37 C.F.R. § 1.111 filed on August 2, 2005.

Applicant reiterates that claims 38 and 39 are patentable over Takamatsu at least by virtue of its dependency from claim 6, as well as for the additional features recited therein.

For example, Takamatsu clearly does not disclose or suggest a “stationary drive unit which is not movable substantially vertically” as recited in claim 38.

Instead, Takamatsu specifically discloses that the drive motor 61 is provided on the chassis 60 of the disc recording and/or reproducing apparatus 50.

As mentioned above, the disc recording and/or reproducing apparatus 50 is uplifted or lowered to a position facing the selected one of plural disc trays 3 stacked in the tray housing section 4, and the disc recording and/or reproducing apparatus 50 pulls out (e.g., laterally, not vertically) the selected disc tray 3 towards the recording and/or reproducing unit (e.g., see Takamatsu at column 12, lines 64–67 and column 13, lines 1–7).

Moreover, in the claimed invention, a disc of 8 cm or 12 cm, which is arbitrarily selected by a user, can be automatically positioned to the center of the turntable.

In comparison, as mentioned above, in Takamatsu, a disc of 8 cm or 12 cm must be manually positioned in the appropriate circular groove formed on the disc tray 3 (i.e., recess 11 for holding a 12 cm disc, and recess 12 for holding an 8 cm disc) by the user in advance (i.e., before the disc tray 3 is pushed into the tray housing section 4) (e.g., see Takamatsu at column 5, line 62 to column 6, lines 2; see also Figure 2).

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Also, Takamatsu clearly does not disclose or suggest that "*said positioning unit automatically centers said plural kinds of discs, which include different sizes, with respect to a center of said turntable*", as recited in claim 39.

For the foregoing reasons, Applicant submits that claims 38 and 39 clearly are not anticipated by, or rendered obvious from, Takamatsu. The Examiner is requested to reconsider and withdraw these rejections, or alternatively, properly respond to Applicant's traversal positions.

V. FORMAL MATTERS

Applicant respectfully reiterates the request that the Examiner accept and approve the formal replacement drawings filed on September 3, 2004.

VI. CONCLUSION

In view of the foregoing, Applicant submits that all of the pending claims (i.e., claims 4-7, 10-17, 20, 23-26, 28, 34, 38, and 39) in the present application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

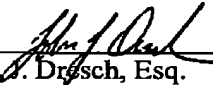
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Request for Reconsideration and Applicant Initiated Interview Request under 37 C.F.R. § 1.116 to Examiner Tianjie Chen, Art Unit 2652, on November 30, 2005.


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